

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**PAMELA HATFIELD, SHEILA ACKLIN,
and JOSEPH J. FUSTON, SR.,**

Defendants.

CASE NO. 07-CR-30024-MJR

MEMORANDUM AND ORDER

REAGAN, District Judge:

Defendants Pamela Hatfield, Sheila Acklin, and Joseph Fuston each pled guilty to conspiring to enter pharmacies with the intent to steal a material or compound containing a quantity of a controlled substance in violation of 18 U.S.C. § 2118(b) and (d). Each was ordered to make restitution payments to pharmacies that were victims of burglaries committed during the course of the conspiracy.

On April 13, 2009, the Government moved to modify these Defendants' restitution orders so that only the "conspiracy leaders"—Rex, Everly, and Leamon Hatfield—are jointly and severally liable for the entire amount of restitution owed.

18 U.S.C. § 3664(h) provides:

If the court finds that more than 1 defendant has contributed to the loss of a victim, the court may make each defendant liable for payment of the full amount of restitution or may apportion liability among the defendants to reflect the level of contribution to the victim's loss and economic circumstances of each defendant.

Whether to modify the Defendants' restitution orders is within this Court's discretion. The Court

declines to exercise its discretion here, so that the possibility of each victim's full recovery is increased.

Accordingly, the Court **DENIES** the Government's motion (Doc. 231).

IT IS SO ORDERED.

DATED this 20th day of April 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge